

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

STEVE LAMBERT,

Movant,

v.

CIVIL ACTION NO. 1:05-00401

CRIMINAL ACTION NO. 1:01-00237-02

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is movant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. (Doc. Nos. 2, 3.) By Standing Order entered July 21, 2004, and filed in this case on May 11, 2005, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. (Doc. No. 6.) Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendations concerning the disposition of this matter. (*Id.*) Magistrate Judge VanDervort submitted his Proposed Findings and Recommendations ("PF & R") on July 18, 2008, recommending that this court dismiss the movant's § 2255 motion and remove this matter from the court's active docket. (Doc. No. 18.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF & R. Under § 636(b), the failure of any party to file objections

within the appropriate time frame constitutes a waiver of that party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has filed objections to the PF & R, and the time period for doing so has now elapsed.

Having reviewed the Proposed Findings and Recommendations filed by Magistrate Judge VanDervort, the court hereby (1) **CONFIRMS AND ACCEPTS** the findings and conclusions contained therein (Doc. No. 18); (2) **DISMISSES** the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. Nos. 2, 3); and (3) **DIRECTS** the Clerk to remove this action from the court's active docket.

The Clerk is directed to forward copies of this Memorandum Opinion and Order to movant, pro se, and to all counsel of record.

It is **SO ORDERED** this 29th day of August, 2008.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
United States District Judge